

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRELL AINSWORTH,
Plaintiff,

v.

CDCR, et al.,
Defendants.

No. 2:25-cv-01156-DJC-AC

ORDER

On July 18, 2025, Magistrate Judge Allison Claire issued Findings and Recommendations, which recommended that Plaintiff's Motion to Proceed In Forma Pauperis be denied under the three-strike provision of 28 U.S.C. § 1915(g). (ECF No. 11.) On September 3, 2025, the Court adopted the Findings and Recommendations and denied Plaintiff's Motion. (ECF No. 13.) Plaintiff subsequently filed a document entitled "Objections to Magistrate Judge Findings and Recommendations" which the Court now construes as a Motion for Reconsideration in light of the Court's Order adopting those Findings and Recommendations. (ECF No. 14.)

Plaintiff's Motion does not establish that reconsideration is warranted. Plaintiff focuses on Judge Claire's finding, now adopted by this Court, that Plaintiff's allegations did not demonstrate any risk of physical harm. (*Id.* at 1-3.) The allegations in the Complaint do not constitute imminent danger of serious physical injury so as to

1 fall within the imminent danger exception of 28 U.S.C. § 1915(g). As such, the
2 Findings and Recommendations and the Court's prior order adopting them were
3 proper. Plaintiff's Motion for Reconsideration (ECF No. 14) is DENIED.

4
5 IT IS SO ORDERED.

6 Dated: **October 21, 2025**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE